REMARKS

The Application has been carefully reviewed in light of the Office Action mailed September 3, 2008. At the time of this Office Action, Claims 1-16 were pending in the Application and Claims 1-16 were rejected. The following actions were taken or matters raised: (I) Claims 1-2, 5-10 and 13-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gleeson (US Patent 5,959,989) and (II) Claims 3-4 and 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gleeson in view of Acharya (US Patent 6,894,999). In order to advance prosecution of this case by overcoming the rejections asserted by the Office and/or characterizing the Applicants' claimed invention (i.e., the invention) with greater specificity, certain claims have been amended. Accordingly, the Applicants respectfully request reconsideration and favorable action in this case

Rejection of Claims 1-2, 5-10 and 13-16 Under 35 U.S.C. § 102(b)

The Office has rejected independent Claims 1 and 9 under 35 U.S.C. § 102(b) as being anticipated by Gleeson (US 5,959,989). Independent Claims 1 and 9 have been amended to characterize the invention with greater specificity in view of Gleeson. In view of amendments made to independent Claims 1 and 9, the Applicants assert that the present invention as recited in amended independent Claims 1 and 9, and all claims dependent thereon (i.e., Claims 2-8 and Claims 10-16, respectively), are clearly distinguished from the disclosures of Gleeson, and that the present invention provides advantageous, useful and non-obvious functionality with respect to Gleeson. Accordingly, the Applicants submit that the rejection under 35 U.S.C. § 102(b)

applied to independent Claims 1 and 9 have been overcome, and respectfully requests the Office to withdraw such rejections to independent Claims 1 and 9 as well as all claims dependent thereon.

Gleeson discloses various aspects of multicasting traffic flows over a network. However, Gleeson is silent on analysis of such traffic flows and on functionality using mirroring of a traffic flow in carrying out such analysis. Accordingly, while the disclosures of Gleeson relate to transmitting traffic flows to multiple designations, Gleeson does not disclose, teach or suggest analysis of a traffic flow through the use of mirrored replication of a traffic flow received by a network device different than an original destination network device for the traffic flow.

With respect to amended independent Claim 1, Gleeson does not disclose, teach or suggest the recited structure or functionality of such amended claim. More specifically, Gleeson does not disclose, teach or suggest a method for mirroring a traffic flow from a source network device to a target network device for allowing analysis of the traffic flow at the target network device, wherein the method comprises the steps of: 1.) receiving one or more ingress frames of the traffic flow at the source network device, 2.) generating at least one duplicate frame for each of the one or more ingress frames at the source network device in response to determining that the one or more ingress frames satisfy prescribed mirror classification criteria corresponding to information intended to influence said analysis of the traffic flow, 3.) each of the one or more ingress frames at least comprises an associated address corresponding to an original designation network device, 4.) appending a virtual local area network (VLAN) tag to the at least one duplicate frame, 5.) the VLAN designated the target network device that is different than the

original designation network device, 6.) transmitting the one or more ingress frames from the source network device based on the associated address, 7.) transmitting the at least one duplicate frame with the VLAN tag from the source network device towards the target network device based on the VLAN tag; 8.) receiving the at least one duplicate frame with the VLAN tag at the target network device, 9.) removing the VLAN tag from the at least one duplicate frame at the target network device after receiving the at least one duplicate frame at the target network device such that the target network device generates a substantially identical copy of at least one of the one or more ingress frames of the traffic flow received at the source network device, and 10.) performing analysis of the at least one duplicate frame received at the target network device using the target network device for accessing the at least one duplicate frame. Accordingly, a skilled person will appreciate that the operational structure and functionality as provided by the invention as recited in independent Claim 1 is not capable of being provided by and is not intended to be provided by implementations of the disclosures of Gleeson.

With respect to amended independent Claim 9, Gleeson does not disclose, teach or suggest the recited structure or functionality of such amended claim. More specifically, Gleeson does not disclose, teach or suggest a system adapted to mirror one or more flows between remote network nodes, wherein the system comprises: A.) a source network device adapted to: A1.) receive one or more ingress frames of the traffic flow at the source network device, A2.) generate at least one duplicate frame for each of the one or more ingress frames at the source network device in response to determining that the one or more ingress frames satisfy prescribed mirror classification criteria corresponding to information intended to influence said analysis of the traffic flow, wherein each of the one or more ingress frames at least comprises an address

corresponding to an original designation network device, A3.) append a virtual local area network (VLAN) tag to the at least one duplicate frame, A4.) the VLAN designated the target network device that is different than the original designation network device, A5.)transmit the one or more ingress frames from the source network device based on the address and A6.) transmit the at least one duplicate frame with the VLAN tag from the source network device towards the target network device based on the VLAN tag; and B.) a source network device adapted to: B1.) receive the at least one duplicate frame with the VLAN tag at the target network device and B2.) remove the VLAN tag from the at least one duplicate frame at the target network device after receiving the at least one duplicate frame at the target network device such that the target network device generates a substantially identical copy of at least one of the one or more ingress frames of the traffic flow received at the source network device thereby allowing analysis of at least a portion of the traffic flow to be performed using the target network device. Accordingly, a skilled person will appreciate that the operational structure and functionality as provided by the invention as recited in independent Claim 9 is not capable of being provided by and is not intended to be provided by implementations of the disclosures of Gleeson.

Rejection under 35 U.S.C. § 103(a)

The Office has rejected dependent Claims 3-4 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Gleeson (US Patent 5,959,989) in view of Acharya (US Patent 6,894,999). The Applicants respectfully submit that the rejection of dependent Claims 3-4 and 11-12 as being unpatentable over respectively cited references under 35 U.S.C. § 103(a) is overcome. Specifically, in view of the arguments presented above with respect to rejection of independent Claims 1 and 9 under 35 U.S.C. § 102, the Applicant submits that independent Claims 1 and 9

are novel and non-obvious with respect to Gleeson. Hence, dependent Claims 3-4 and 11-12 are novel and non-obvious with respect to any combination of Gleeson and/or Acharya. Accordingly, the Applicant submits that the rejections under 35 U.S.C. § 103(a) applied to Claims 3-4 and 11-12 have been overcome and respectfully requests the Office to withdraw the rejection of Claims 3-4 and 11-12 under 35 U.S.C. § 103(a) being unpatentable over Gleeson in view of Acharya.

CONCLUSIONS

The Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicants respectfully request full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicants invite the Examiner to contact the undersigned at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

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